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January 9, 2015

**VIA E-FILE**

Magistrate Judge Judith C. McCarthy  
United States District Court for the  
Southern District of New York  
Courtroom 421  
300 Quarropas Street  
White Plains, NY 10601

**Re: Justin T. Maher v. Quality Bus Service, LLC and Caitlin Railo**  
**Docket No. 14 CV 3586 (JCM)**  
**Our File No.: 19176**

Dear Judge McCarthy:

Unfortunately, yesterday's mediation of this case was not successful. I am sure each side has its opinion as to why mediation failed.

Despite the March 30, 2015 deadline for expert reports, Plaintiff supplied both the mediator and the defendants with eight (8) expert reports together with a comprehensive Mediation Memorandum on January 5, 2015. This was done in the hopes of enhancing the mediation by encouraging meaningful negotiations. However, the comprehensive nature of Plaintiff's mediation submission, in conjunction with the early disclosure of Plaintiff's expert reports, may have left the defense unprepared for fruitful mediation. Should the Court find that it would be appropriate and helpful, and provided there is no objection by defendants, Plaintiff would be happy to supply the Court with a copy of his mediation submission.

In light of the failed mediation, the parties intend to proceed with discovery by conducting the remaining witness and party depositions. However, this objective is complicated by the fact that defendants have not yet disclosed the identity of an unknown adult passenger present on the yellow school bus at the time of the subject February 14, 2013 motor vehicle accident. Moreover, Plaintiff has been unable to secure the records of Defendant Caitlin Railo's primary care physician since Plaintiff continues to await receipt of an appropriate medical authorization pursuant to your December 15, 2014 Order.

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I am therefore respectfully requesting an expedited conference call to address the current Court Ordered deadlines for discovery as well as the remaining discovery issues outlined above.

Thank you for your continued courtesy and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'V. Cimini', written over a horizontal line.

VINCENT S. CIMINI

VSC:sl

cc: Justin T. Maher  
Michael E. Catalinotto, Jr., Esquire  
Keith V. LaRose, Esquire  
Evan M. Foulke, Esquire